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09/033,901 02/28/98 BACHMANN

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EXAMINER
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IP ADMINISTRATION  
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 14

Application Number: 09/033,901  
Filing Date: February 28, 1998  
Appellant(s): BACHMANN, JAMES T.

**MAILED**

NOV 30 2000

**Technology Center 2100**

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Jon E. Holland  
For Appellant

**EXAMINER'S ANSWER**

This is in response to appellant's brief on appeal filed September 18, 2000.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

Art Unit: 2173

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 3-9 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

5,392,207	WILSON ET AL.	2-1995
5,867,163	KURTENBACH	2-1999

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. ("Wilson", U.S. # 5,392,207) in view of Kurtenbach (US # 5,867,163).

As per claim 3, Wilson teaches, in an iconic programming system containing an existing network of connected icons (col. 2, lines 38-42), a computer-implemented method for tracing the execution of icons (fig. 5, col. 4, lines 29-32; col. 5, lines 53-55), the method comprising the step of: executing a plurality of the icons (fig. 4; col. 2, lines 38-43); highlighting the icon which is currently being executed on the display (fig. 4, col. 9, lines 58-60). Wilson, however, fails to teach the steps of setting a flag for each icon being executed, and highlighting each icon being set by its corresponding flag. Kurtenbach teaches a method of executing a sequence of commands, wherein the icons of the commands are highlighted as the commands are executed

(abstract). Therefore, it would have been obvious to an artisan at the time of the invention to combine Kurtenbach's teaching with the method of Wilson in order to provide the user visual feed back on the trail of icons already executed.

Furthermore, although the method of Wilson and Kurtenbach does not explicitly refer to setting a highlighting flag for each icon to indicate its status of being in an execution mode, it would have been obvious to an artisan at the time the invention was made to make internal use of flags in such a programming system in order to allow differentiation of those icons that are being executed from those that are not.

The steps of receiving an input subsequent to the executing step and performing the highlighting step in response to the receiving step are detail implementation of the steps described above. It would have been obvious to an artisan at the time of the invention was made to include these steps in order to improve and speed up the operation by allowing concurrent processing of setting and highlighting the appropriate icons.

Claims 4-6 are similar in scope to claim 3, and therefore are rejected under similar rationale.

Claims 7-9 are similar in scope to claim 3, and therefore are rejected under similar rationale.

**(11) *Response to Argument***

**Group I: Rejection of Claim 3**

Applicant argues that Wilson teaches each icon to be highlighted in response to and during execution of the icon and not “in response to” an input received “subsequent to” execution of the icon.

The Examiner disagrees because as shown in Wilson’s figure 4, during the course of the execution of the icons in the flow chart and prior to the highlighting of icon 60, an input signal must be sent to the system to let the system know that a particular icon 60 is to be highlighted. Since the particular icon is to be highlighted in response to and during execution of the icon, it would have been obvious that the execution of the icon commences prior to the highlighting process. Thus, the highlighting process is performed only “subsequent to” or after the actual execution of the icon takes place.

**Group II: Rejection of Claims 4-5 and 7-8**

Applicant argues that Wilson teaches that the icon which is presently executing to be highlighted, and fails to teach the highlighting step to be performed “in response to” the determining step, which occurs “subsequent to the executing step.”

The same reasoning which has been set forth hereinabove in the reply of claim 3 by the Examiner is applicable to this argument.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

**Group III: Rejection of Claims 6 and 9**

Applicant argues that Wilson teaches each icon to be highlighted in response to and during execution of the icon and not "in response to" an input received "subsequent to" execution of the icon.

The same reasoning which has been set forth hereinabove in the reply of claim 3 by the Examiner is applicable to this argument.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sy D. Luu  
November 28, 2000

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